

Appl. No. 10/799,801
Preliminary Amendment and/or Response
Reply to Advisory Action of December 20, 2005

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REMARKS / DISCUSSION OF ISSUES

Claims 6, 14, 16-19, 21, and 23-27 are pending in the application. Claims 7-13, 15, 20 and 22 are canceled herein. No new matter is added, and an additional search is not required.

The applicants maintain their traversal of the election requirement, as presented in the applicants' prior response of 7 April 2005. The applicants respectfully maintain that the asserted basis for the election requirement is unfounded, and the subsequent Office actions have failed to adequately address the objections raised in the applicants' response. The Office action cites the use of different steps for embodying the invention as a basis for a restriction requirement. The applicants respectfully maintain that claims that merely recite different steps for embodying an invention do not constitute sufficient grounds for an election requirement. As specifically directed in MPEP 808.02:

"Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, ***no reasons exist for dividing among related inventions.***"

The Examiner fails to provide a justification for disregarding the clear directive of MPEP 808.02, and the applicants object to incurring the added expense of filing and prosecuting a separate patent application, as well as the added expenses associated with the issuance and maintenance of a separate patent, based on an election requirement that is contrary to the MPEP.

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The Applicants note with appreciation the indication in the Advisory Action that claims 23-27 are allowed.

Applicants further note with appreciation the indication that Claim 21 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants have so amended Claim 21 and believe it to be in condition for allowance.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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